

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

JOHN HERBERT CRISP,)
)
Petitioner,) No. 1:04-CV-218/1:00-CR-38
v.)
) Judge Curtis L. Collier
UNITED STATES OF AMERICA,)
)
Respondent.)

FINAL JUDGMENT ORDER

In accordance with the accompanying memorandum, the motion filed by John Herbert Crisp (“Petitioner”) for relief under 28 U.S.C. § 2255 is **DENIED** (Court File No. 1).

Additionally, the Court has reviewed this case pursuant to Rule 24 of the FEDERAL RULES OF APPELLATE PROCEDURE and hereby **CERTIFIES** any appeal from this action would not be taken in good faith and would be frivolous. Therefore, any application by Petitioner for leave to proceed *in forma pauperis* on appeal is **DENIED**. FED. R. APP. P. 24.

Should Petitioner give timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, which is hereby **DENIED** since he has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Rule 22(b) of the FEDERAL RULES OF APPELLATE PROCEDURE. Reasonable jurist would not debate the procedural ruling of this Court. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

This is a **FINAL ORDER**. The Clerk of Court is **DIRECTED** to **CLOSE** the record in this case.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE

/s/ Patricia L. McNutt
PATRICIA L. McNUTT
CLERK OF COURT